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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,829	01/21/2004	Stephen F. Brown	021318-002410US	6128
20350 7590 12/03/2007 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER LEE, Y YOUNG	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 12/03/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/762,829

Applicant(s)

BROWN ET AL.

Examiner

Y. Lee

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4,6-9,11 and 13-59 is/are pending in the application.
- 4a) Of the above claim(s) 21 and 40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4,6-9,11,13-20,22-39 and 41-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/14/05, 5/31/05, 8/28/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Figure 4 in the reply filed on 11/9/07 is acknowledged. The traversal is on the ground(s) that the Examiner has not established a prima facie case that the species election is appropriate by identifying figures associated with the species. This is not found persuasive because lines 4 and 5 of the restriction requirement dated 10/19/07 explicitly indicated that the two species correspond to Figures 3 and 4.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 21 and 40 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected embodiment, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 11/9/07.

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 4, 6-9, 11, 13-20, 22-39, and 41-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eyuboglu et al (5,541,852) in view of Applicant's admitted prior art (AAPA).

Eyuboglu et al, in Figures 1-10, discloses a video communication system that is substantially the same multimedia intermediate device coupled to a first terminal 202 and a second terminal 212 through one or more telecommunications networks 204 and configured to convert video bitstream data coded using a first hybrid video codec to second bitstream data coded using a second hybrid video codec as specified in claims 4, 6-9, 11, 13-20, 22-39, and 41-59 of the present invention, the multimedia intermediate device comprising a video bitstream decoder 602 disposed in a data path ahead of the second terminal and operative to decode the video bitstream data; an encoder 608 coupled to the video bitstream decoder 602 for re-encoding a plurality of

macroblocks MB, wherein each of the plurality of macroblocks is re-encoded as an intra coded macroblock upon receipt of a video update request (e.g. Inter/Intra Control); and a control unit 406 coupled to the encoder 608.

With respect to claims 6-9, 11, 13-20, 22-39, and 41-59, Eyuboglu et al also discloses a first standard for the first hybrid video codec is the same as a second standard for the second hybrid video codec (e.g. H.221); wherein the video bitstream decoder is operative to fully decode a frame before encoding an output frame (e.g. Fig. 6); wherein the video bitstream encoder only re-encodes selected macroblocks MB; wherein the video bitstream decoder 602 is operative to manipulate data 604 in a frequency transform domain DCT; wherein the second terminal 308 is in at least one of a packet-switched network or a circuit-switched network; wherein a server 310 is disposed in a second data path ahead of the video bitstream decoder 602, the server 310 being operative to transmit a portion of the video bitstream data from an encoded video bitstream data; wherein the server 310 is adapted to store the encoded video bitstream data at the server 310; wherein the hybrid video codec are selected from the group consisting of H.261, H.263, H.264, and MPEG-4-video; wherein the video update request is a signal received from a second control module (e.g. 404, 406) in the multimedia intermediate device; wherein a portion of the video bitstream data is copied to the second bitstream data 614, prior to receipt of the video update request 616; wherein the video update request is received at the control port 804; a video gateway 314; a multimedia gateway (e.g. data); a transcoding gateway 402; and a multimedia terminating device 306.

Although Eyuboglu et al discloses a control port coupled to the control unit for bit error detection, it is noted Eyuboglu et al differs from the present invention in that it fails to particularly disclose the various standardized configuration of the control unit with respect to the transmitting and receiving terminals as specified in claims 4, 6-9, 11, 13-20, 22-39, and 41-59. Applicant's admitted prior art, however, teaches the concept of such well known set up wherein the control unit is configured to receive one or more H.245 VideoFastUpdate messages from a 3G-324M terminal 103.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, having both the references of Eyuboglu et al and Applicant's admitted prior art before him/her, to exploit the well known H.245 update technique as taught by AAPA in the multimedia intermediate device of Eyuboglu et al in order to efficiently update video transcoding.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y. Lee whose telephone number is (571) 272-7334. The examiner can normally be reached on (571) 272-7334.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Y. Lee
Primary Examiner
Art Unit 2621

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